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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 BRADFORD TECHNOLOGIES, INC,

No. C 11-04621 EDL

9 Plaintiff,

**ORDER CONTINUING HEARING ON  
MOTIONS TO DISMISS AND INITIAL  
CASE MANAGEMENT CONFERENCE**

10 v.

11 NCV SOFTWARE.COM, et al.,

12 Defendants.  
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14 Defendants Metro National Financial, LLC and Karma Technologies have filed motions to  
15 dismiss that are noticed for hearing before the undersigned on December 13, 2011. As the Court  
16 advised the parties in the Order entered on November 22, 2011, the Court requires the consent of all  
17 parties who have been served to conduct the proceedings on the pending motions to dismiss. On  
18 December 8, 2011, Plaintiff filed a status report indicating that service is still being attempted on  
19 two defendants, that one defendant, Biggers, has been served but has not yet appeared, and one  
20 defendant has not been served and will be dismissed as a defendant. Doc. no. 41. Plaintiff and the  
21 appearing Defendants have filed consent to proceed before a United States Magistrate Judge, but no  
22 consent or declination has been filed by the other Defendant who has been served but not yet  
23 appeared. With respect to the Defendants who have not been served, although they are not  
24 considered "parties" for purposes of obtaining consent under 28 U.S.C. § 636(c), see Hard Drive  
25 Productions, Inc. v. Does 1-188, 2011 WL 3740473, \*5 (N.D.Cal. 2011) (citing Neals v. Norwood,  
26 59 F.3d 530, 532 (5th Cir. 1995)), it would be prudent for the Court to defer ruling on the pending  
27 dispositive motions until service is complete or it can be determined whether the non-appearing  
28 Defendants will file consent or declination to proceed before the undersigned. As a cautionary

1 measure, the Court hereby continues the hearing on the pending motions to dismiss from December  
2 13, 2011, to January 17, 2012 at 9:00 a.m.

3 The initial case management conference is also continued from January 3, 2012 to January  
4 17, 2012 at 9:00 a.m. The parties must file a joint case management statement by January 10, 2012.

5 **IT IS SO ORDERED.**

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7 Dated: December 8, 2011

  
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ELIZABETH D. LAPORTE  
United States Magistrate Judge